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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/491,789	MONIOT, PASCAL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Man Phan	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communications filed 08/27/2004.
2. ☒ The allowed claim(s) is/are 3, 5, 6, 9, 13, 14, 17, 20-23, 28, 31, 33-36, 40, 42, 43 (Claims are renumbered as 1-20 respectively).
3. ☒ The drawings filed on 23 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

*Reasons for allowance*

1. This communication is in response to applicant's 08/27/2004 amendment in the application of Moniot for a "System for controlling the rates of concurrent transmissions on a communication channel" filed 01/26/2000. This application claims foreign priority based on an application filed in France – 99-01191 dated 01/29/1999. The proposed amendment to the claims and response have been entered and made of record. Claims 1, 2, 4, 7, 8, 10-12, 15, 16, 18, 19, 24-27, 29, 30, 32, 37-39 and 41 have been cancelled per Applicant's request. The claims have been amended to better point out and more distinctly claim subject matter comprising the invention.

2. Claims 3, 5-6, 9, 13-14, 17, 20-23, 28, 31, 33-36, 40 and 42-43 are allowable (Claims are renumbered as 1-20 respectively).

5. The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a no obvious improvement over the prior art of record. The improvement comprises: writing a ghost index into at least one of the locations in the first queue; and if the surveyed location in the first queue contains a ghost index, freeing the location and rewriting the ghost index at one of the locations in the first queue, wherein the ghost index is rewritten at a random distance from the surveyed location, as specifically recited in the claims 3, 5-6 and 13-14 and 23, 31, 36, 43. The closest prior art of record also fails to disclose or suggest further comprising the step of if the surveyed location in the second queue contains an index,

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transmitting the corresponding data cell when the surveyed location in the first queue does not contain an index or when the surveying of the first queue is interrupt, as recited in claims 9, 17, 28, 40; wherein the index is rewritten in the first queue at a distance from the accessed location that is inversely proportional to the rate of the corresponding transmission, as recited in claims 20, 33. The closest prior art of record also fails to disclose or suggest further comprising the step of associating a first cell pointer with the first queue and a second cell pointer with the second queue; incrementing each cell pointer when the respective accessed location is not occupied; incrementing one of the cell pointers when the corresponding data cell is transmitted; and not incrementing the second cell pointer when the accessed locations in the first and second queues are both occupied, as recited in claims 21,-22, 34-35, 42.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

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(703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

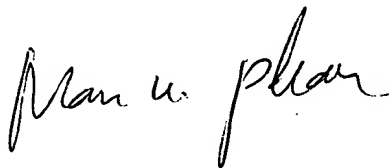
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306/9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

MPhan

November 22, 2004

A handwritten signature in cursive script that reads "Man u. phan".

MAN U. PHAN  
PRIMARY EXAMINER